of sad warnings, which call for the utmost | territory, situated on the line of the North of sad warnings, which call for the utmust vigilance and supervising care by the people. It has been found by experience in the older countries, as likewise in the Smited States, that frequent looking into accounts and the conduct of public officers is a most valuable supplement to the bond and security which are given upon entering into office, and is the most infailled security against defalcation and upon entering into office, and is the mest
unfailing security against defalcation and
diagrace. The government of the United
States has provided by law for expert exminers for every department of the govrument, and nearly all, if not all, of the
tates have made like provisions with refervace to their officials. This system of overight upon public agents has gained more
avor as it has been applied and put in
ractical operation. And to day all over
figland, France and America, and in
every state of this family of states, this
detective, ever-present, examining overight by the government is accepted and
relied upon as the most unquestion-d bar
rier to fraud and failure of any that has ever
been adopted. Without any reference to
the conduct and efficiency of any of Monana's officers in their service herelofore, I do most earnestly urge upon you to pass a law, carefully guarded, providing for, at least, one expert examiner for this government, and impose upon him the duty of searching into the official accounts and proceedings of the public officers of this territory at irregular alar times, especially those receiving pub-lic money. Your own thoughtful wisdom will suggest the details of such a measure, accessary to meet the wants of the people in this regard.

EDUCATION.

All men are born into this world calling All men are born into this world calling to three great wants, to-wit: culture, knowledge and something to explain to them all they see around them. and also their own nature, condition and destiny. In civilized times and in a Christian land the means of finding an answer to these wants were to be supplied to the young by parental care, public provision or by Christian benevolence. All three of these modes of instruction are appropriate. young by parental care, public provision or by Christian benevolence. All three of these modes of instruction are employed and relied upon in every civil government throughout North America. Public provi-sion by the government for the education and culture of its children adorns the pages of the history of each of the states. Pub-lic provision for universal education is of the history of each of the states. Public provision for universal education is mow a cardinal principle in the governments of this country. In the early years of Montana's assuming to take upon herself some form of government, the people laid the foundation for a' system of public schools which has grown with the years of this population, and has improved and strengthened as experience and more light have been unfolding. The history of education in Montana is the alstory of a people showing pluck and liberality far surpassing any in the United States in the progress and holding up of public schools. The school fund at the sommand of this association of people, called the government of Montana, is the taxes collected every year from the people, and this fund pays over twenty dollars toward educating each child. I am glad to learn that the people are reaching out anxiously for the most approved methods of school work, and for employment of the most cultured teachers. They have more regard with reference to the chance and certainty of thorough and skilful instructors than the question of cost. Our people are imbard with the spirit and sentiment tors than the question of cost. Our people are imbued with the spirit and sentiment that the strength and safety of the country is the virtue and intelligence of the youth. They are the flower of the country—the rising hope of the church and of society Preserve them uncorrupted through the channels of training to the years of put-ting on manhood, then they come forward with enlightened minds and good morals to take their places on the stage of life. The foundations of social order and happimess will be secure, and no weapon raised against the safety of the commonwealth can excite alarm. All wise and benevo can excite alarm. All wise and benevo-lent men, whether statesmen, philanthro-phists or ministers of religion, have always felt a deep and peculiar interest in the youth of the country, and in all their at-tempts to produce reformation and advance homan happiness the young have engaged their first and chief regard. This spirit of tender thoughtfulness and care is in full accord with the teachings that come to us, sendorsed by the greatest of all law-givers. accord with the teachings that come to us, endorsed by the greatest of all law-givers. Hardiy any one trait of the Bible is more prominent than its benevolent concern for the youthful generations of men. On them its instructions drop as the rain, and distil as the dew; around their path it pours the purest light and sweetest promises, and by every motive of kindness and entreaty, of institution and warning, aims to form them for duty and happiness, for holiness and for God. It devoives upon you, the representatives of this wide-awake and liberal people, to respond with no hesitating or temporizing spirit to the clamoring voice of the people for higher recognition of this great and sacred department of our government. The reports of our able superindent of public instruction for the years 1887 dent of public instruction for the years 1887 and 1888 will be laid before you. These re-ports and the wise suggestions and recom-mendations therein contained I heartily commend to your careful perusal and ac-

The chief factors in the enlightenment and awakening of the people to the calls and friendly offerings of this system of public friendly offerings of this system of public schools is the thorough acquaintanceship and familiar mingling and discussion with them of the subject by the trusted head officer placed in charge of the department. His frequent presence in council with the people, trustees, teachers and county superintendents quickens into active force the spirit of emulation and argogress, and accountlishes uniformity in progress, and accomplishes uniformity in very part of the territory in conducting the schools.

The people of the territory are far in adon the subject of education. Every well arranged government has its department of education, as well as its department of justice, agriculture, mechanics, etc. Education is as absolutely a department of the government of Montana as is the finance, the judicial or any other; and certainly there is no department baying a warmer the judicial or any other; and certainly there is no department having a warmer place in the hearts of the people. The compensation provided by law for carrying en and sustaining this department is glaringly disproportionate to every other one in the government. This would seem to imply that the educational department has a far less degree of favor with the people than the other disprises and devartment. a far less degree of favor with the people than the other divisions and departments of the government. I do not believe such to be the estimate in which this subject is held. The meager sums provided by held. The meager sums provided by law to pay the superintendent of public in-struction may possibly have been sufficient under the state of things years ago, but under the state of things years ago, but now in the advanced progress of settle-ments all over the territory and increase of school children, a far greater, broader and higher demand comes to that office. The interest of the people paying such large amounts of money for the culture and ad-vancement of the children needs to have a thoroughly competent man at the head of the department, and that he shall devote his entire time to the overlooking and aphis entire time to the overlooking and ap-plying these benefits to the children in every neighborhood throughout the terrievery neighborhood throughout the territory. There should be an office provided for his headquarters, his records, etc., at the capital, and a clerk. I recommend that you hasten before you shall adjourn to attend to these wants of the people in this regard, and thus vitalize and give new motion to this great cause of the people.

The higher education of the youth of the country has always been considered of the utmost importance to the welfare of the state, and it is a source of regret that no steps have been taken by the territory to provide a college or university for that pur

provide a college or university for that pur pose. Considering the size and extent of this country, it is manifestly certain that we need two such institutions in the territory, and it will not, in my opinion, be un-advisable to at once enact such legislation as will lead to the establishment of an agricultural and mechanical college at some suitable place in the territory.

At Fort Ellis, within the limits of the

ern Pacine railroad, and in the beautiful and productive Gallatin valley, the United States government has an abandoned mill-States government has an abandoned military reservation, embracing about 39,000 acres of land. The buildings on those grounds are of rather a temporary character, but with some slight alterations and expense can be made ample and commodious enough for the accommodation of a full corps of professors and several hundred students. I recommend that you at once memorialize congress to donate the reservation and congress to donate the reservation and buildings to the territory for the purpose of establishing an agricultural and mechancal college. The donation would be some hing tangible, and of infinite more valu thing tangible, and of infinite more value to the territory than the many thousands of acres of school lands promised, and yet withheld from us. The distance and attending expense of sending Montana boys east to college is most detrimental to the interests of the public, and must necessarily deprive many of the youth of the land of that higher education which is so necessary to fit a citizen for the service and honors of the state. The donation of this reservato fit a citizen for the service and honors of the state. The donation of this reservation to the territory would at once enable the youth to attain these advantages without having to go abroad. Since you can by proper legislation at this session provide for the organization and operation of the college, allow me to remind you that this congress closes the 4th of March, and because of the short time now intervening, and of the great importance of this matter, I most carnestly urge that you do at once pass the proper resolution on the subject, and request our delegate in congress to introduce the necessary bills in that body, it has been the policy of the government for the last twenty-five years to grant such aid for the encouragement of building up of agricultural and mechanical colleges, and in many instances most valuable propor agricultural and mechanical colleges, and in many instances most valuable property has been granted by congress to the states for this purpose. I am sure that it only needs prompt and earnest attention to secure this valuable reservation for the educational interests of the territory.

PENITENTIARY AND HOUSE OF REFORM. The punishment of crime is a part of the business of human government. The right of the people to punish crime by methods prescribed by law is perfect. It is said that "self-preservation is the first law of nature" and "resistance to wrong is an inherent right." It is upon these principles that right. It is upon these principles that the government undertakes to protect its subjects and preserve itself against crime; and hence laws are enacted by the author-ity of which the agencies of the govern-ment seize the violator of the laws and ment selection to description of the laws and subjects him to discipline, confinement or death. This is penology, and its history is coeval with the history of government. People living under an organized government have absolutely no right to pushish any offender without law. To punish without law is the grossest violation of law—it is crime. Lynch law wherever it exists is savagery, or is evidence of undeveloped or of a degenerated society. Nor should the government impose punishment in any spirit of vengeance. The government of Montana has, through the years of its growth, for a quarter of a century, provided by law punishment as penalties to be imposed upor wrong-doers, tempered according to the degree of crime. Chief amongst those penalties is confinement in the penitentiary. The territory has never yet builtor owned transgressor of the rights of citizens, and afties is confinement in the penitentary. The territory has never yet built or owned a state prison for the confinement and punishment of its criminal classes. The United States has a penitentiary within the territory at Deer Lodge, and ever since the beginning of the year 1874 the territory has secured the confinement, care and support of its convicted criminals in that prison, under contract with the United States government, and there they have been conunder contract with the United States government, and there they have been confined, male and female, old and young, of whatever nationality. No prisoner is required to work one hour of the time for which he is there confined. The institution is a very sightly, well-provided and well-kept home, furnished with the best medical skill, kind nursing, ample supply of reading matter, and a chaplain. The buildings and grounds are admirably arranged for the safe keeping, comfort and health of the convicts. These considerahealth of the convicts. These considera-tions, with the vigilance and skill of the present keeper, Hon R. S. Kelly, show the remarkable fact that no death has occurred there within the last three and a half years. There are but seventy cells provided there in which to keep prisoners. This limited provision for room has necessitated the putting of two convicts in each cell, and, in addition to that number, there are periods of time when ten to fifteen others have to be bedded on the floors of the open rooms, and guarded with extra at-tention to prevent escape. The territory has thus paid for boarding in idleness the convicted criminals since Jan. 1874, two hundred and seventy thousand dollars, and the auditor's office shows the fact that these annual outlays are increasing from three to seven thousand dollars every year. You are therefore confronted with the question.

are therefore confronted with the question. whether you will continue this improvident mode of treating the wrong-doers of this territory, or as other governments have done, you will provide a penitentary and other institutions to meet the wants of Montana's people for confinement and punishment of the bad and evil disposed subjects of the government?

All civil governments of which history gives us any account, had their system of penology and fashioned in their own chosen way their execution. But we are proud of the fact that America gave to the world the first penitentiary, and here was born the idea of reformatory discipline in a prison. This grand conception, as a means of repressing crime and reclaiming fallen men, was taken up by all the states of this confederacy, and until about the year 1833 the American states were leading the civilized world in their enlightened and improved methods of punishing crime. Since proved methods of punishing crime. Since then, however, England and some of the then, however, England and some of the older governments have outstripped and gone far in advance of our people. Montana has a place among the American commonwealths, and is now in sight of statehood, securing to her people full and qual political rights with those of other sovereign states of this great confederacy of states; the swelling tide of immigration to this great empire of unfolding wealth gives to the thoughtful statesman no uncertain sound, its warning voice counsels to prepare and lay well the foundation of every department of this rising government, and especially to provide the amplest security to the citizen against crime and violence. Montana cannot afford any violence. Montana cannot afford any longer to neglect and refuse to have a state prison, one of such architectural proportions and dimensions, extent and security as will fully answer all the present and future demands of this growing power, and the same put under such humane govern-ment and control as shall comport with the enlightened age in which we live. Montana is no longer an orphan, capable only of ex-ercising such power and doing such things as the congress of the United States allows, but is a full grown, well-matured intelli-gence, self-reliant, and fully capable of carving out and shaping her own institutions, and giving direction to their admin-istration. Shutting a prisoner up in a bas-tile and separating him from the world is

tile and separating him from the world is not enough. It is neither just to him nor to the state to stop with that little measure of punishment; but, in addition, there should be imposed on him hard labor, in his confinement within the walls of the prison house and behind the bolted doors. This is an element of discipline which should be administered and enforced by the corrective hand of the state, and the guilty crimtive hand of the state, and the guilty criminal should in this way be forced to contribute in some degree to his own support while drinking of the bitter cup he h mself has prepared. There is no hiding the fact that crime holds high carnival in our land. The detection and punishment of crime form one of the greatest items of cost to our government; and it requires armies of officers to hunt and discover criminals, and yet governments are powerless to prevent the commission of crime. The hope of tive hand of the state, and the guilty crim-

eternal bliss and the fear of eternal woe are alike powerless. The convict re-quired to work in prison, as honest people do outside, will be prepared to better fill his place as a free man when again turned out upon the world.

HOUSE OF REFORM. It is a source of sorrow and regret, and

It is a source of sorrow and regret, and hangs as a dark curtain over the hearthstone of many homes, that many of the youths of our territory, while yet in the morning of life, fall victims to crime, and become subjects of punishment by the government in the absence of any other provision for their confinement, they are sent to the county jail or to the penitentiary, and there kept in idleness, the associates of older men who are hardened and skilled in crime. Thus the state is actually putting in apprenticeship the offending youth to the tuition and moiding of the very worst men and most offensive characters in the common wealth. These young pupils, aiready marked as felons, are ready to absorb and become saturated with sin and the evil spirit, cherished and nursed in malice toward the world by older adepts in crime. In many instances they come out worse in heart, and eagerly enter upon a bolder life of shame and wrong doing. There is a solemn obligation upon the government to extend its strong arm about the youth of the country, and guard his way well against the evil and viccous population, not only those of that class who go at large seeking whom and victous population, not only those of that class who go at large seeking whom they can seduce, but also against those in its own possession and confinement in prison. The duty of the government does not cease toward a wayward boy who has been convicted of crime. He may be only 15 to 29 years old, and should not be thrown away; nor should he be sentenced to a life of idleness, under the instructions and tute-lage of the vile and debauched crim nals gathered in council in the penitentiary. Such a disposition and such a means of correction and reclaiming the fallen correction and reclaiming the fallen youth of the state are a shame and a mockery, and deserve no favor from any enlightened community. Nevertheless, government is compelled to inflict punishment on the young who embark in crime, as well as upon the adult park in crime, as well as up in the adult, and that punishment should be certain and positive. It is essentially important that hard labor be exacted of the young off-ender; keep him engaged, and have him learn that labor is healthful and inspiring. and is the great platform on which man in this world is to play his part, doing good to others and honoring his Creator. It is the greatest folly to coerce the bad boy by punishment without making him better by instruction. Imprisonment in the county jail or the penitentiary neither deters nor reforms, because there is no labor there. It is demoralizing in the extreme to those of tender years. Physical employment in the construction of building improvements, ornamentation of grounds, in the work-shop at mechanics and in the field of agri-culture, is refining and helpful in its influences, and elevates the tone of human am-bition. There is not a mother or father, however bad the child may have been, but however bad the child may have been, but is tormented and crushed in heart more from a knowledge of the base and despicable associates in prison given to the child by the law than from the punishment indicted. The sorrowing family to which disgrace has come, through the criminal act of the child, still has hope that he will return reclaimed and made strong against temptation. But this hope and these expectations are all darkened and filled with increasing alarm by the fact that he is in the midst of teachers already graduated in the midst of teachers already graduated in crime, and are haters of all that is holy and virtuous. In addition to the care and and virtuous. In addition to the care and interest the government should have for the reclamation of the young offender, it is due to the family from which he comes that he be so handled by the government as to strengthen the force of the home counsel, from which he has turned away, and to encourage a hope of his reformation. Hope, you will remember, is the friend whose whispering voice animates and invites us to something better yet to be attained, and is the last friend on earth that forsakes us.

tained, and is the last friend on earth that forsakes us.

I am glad to learn that in almost every state of this enlightened Christian country there are institutions provided by law for the confinement and correction of this class of our race, separate and apart from the baser and more hardened ones in crime. The success and rich fruits resulting from such separate systems have been so amazingly great, and so full of happiness to rejoicing families to whom the prodigal child has been returned, that now there can be f und only a very few civil governments without such institutions. They stand out without such institutions. They stand out in every country where erected as great

lighthouses, illuminating all within and shining out upon the world around. I do most earnestly urge upon you and I do most earnestly urge upon you and recommend that you carefully prepare and enact a law providing for the purchase of grounds at some suitable place in the territory, and building thereon a house of reform, giving the institution such name as you shall deem appropriate, for the confinement, punishment and discipline of those who shall be of tender years, when found in crime. Such institution should be of suitable dimensions, and have such attachments, workshops and space for tachments, workshops and space for gardens, lawns and other grounds as may afford every facility to the training work and instruction of the inmates there con-fined, and proper provision should be made for its being placed in charge of true men and women, competent and fitted for the high and sacred trust confided to their care and government.

Moreover, I recommend that this class of offenders, while in jail awaiting trial, shall offenders, while in jail awaiting trial, shall be kept each one in a separate cell, and not allowed to mingle and converse with the older ones, or any of the prisoners there confined. And I respectfully suggest that you make some provision so that each and every prisoner, of whatever age, while confined in jail, be kept separate from all others, and not allowed to mingle and counsel with each other, gamble, and form conspiracies for further criminal enterprises. And I recommend that the county commissioners of every county be required to make improvements in their jails, so as te conform to this requirement.

ASYLUM FOR THE INSANE.

Montana's people following in the light and example of older governments, and animated by the same Christian spirit, have and example of older governments, and animated by the same Christian spirit, have in former years enacted laws showing the tenderest interest and care for the poor and unfortunate afflicted; in fact, offering to feed the hungry, clothe the naked, heal the sick, give sight to the blind, speech and hearing to the deaf mute and employment to the willing worker. Every child is the ward of the territory, and its treasury is open to its educational necessities—to the raving maniac as well as to the vacant-minded idiot. The system of help to the insane of the territory, providing for their care and treatment, has been for a number of years the contract system, and pursuant to the provisions of the statute on that subject, Doctors Mitchell and Mussigbrod contracted and agreed to receive into their asylum at Warm Springs, in Deer Lodge county, all those who are adjudged insane, and sent there, to lodge, care for and treat them for their diseases. And under that contract this class of unfortunate people have been kept and maintained, guarded and treated since the beginning of January, 1874, to January, 1889, at the aggregate cost of \$530,000.

The statistics of this terrible malady for these years show that it is increasing in a most alarming degree. There are now in

The statistics of this terrible malady for these years show that it is increasing in a most alarming degree. There are now in the institution patients No complaint is found against these gentlemen for the manner of conducting the institution, or the way in which they have performed their contract. But, upon the contrary, much praise and honor is due them for their humane nursing, kind attention and skillful treatment of these sufferers

old, the young and middle-aged, male and female, and from almost every nationality, including the untamed Indian. The number who have died there is about.

The time has come when this system of help to these wards of the government should be improved, and made to rank side by side with those that so much adorn the older states. This new and risky accompany by side with those that so much adorn the older states. This new and rising common-wealth should have an asylum for the insane, known and understood to be the property of the government, and should be under the control and management of the government. No man or woman connected with its care and the treatment of the patients should have any pecuniary interest in the institution, or the confinement or release of the afflicted people received therein. They should be absolutely in the custody and care of the territory, and borne upon the warm hearts of the people, above upon the warm hearts of the people, above every sordid, selfish suggestion of private

Interest.

I do most earnestly recommend that you act upon this important subject promptly, and I trust that your wisdom and love of our race will open the way and lead you to provide for the purchase of that beautiful and arranged property. to provide for the purchase of that beautiful and well-built and arranged property and asylum owned by Mitchell and Mussigbrod, or some other grounds suitably located and adapted to the purposes of such asylum, and for the immediate construction of all necessary houses, lawns, gardens and water supplies; and I urge upon you that in case you shall determine to buy and build you adopt the cottage plan. It is the purpose and settled decision of every constituent, male and female, adult and child, represented in the halls of this legislative assembly, that these unfortunates of Montana's people shall have a home for treatment, and be provided for with liberal hand now and for all the years of the bright future awaiting this people's government.

My predecessor in office, in his able measage to the fifteenth legislative assembly, laid this subject before that body, and urged that they make the provision that I now again lay before the people's representatives.

HOLDING INQUESTS IN CASE OF ALLEGED The laws of this territory on the subject The laws of this territory on the subject of holding inquests over persons charged with insanity are full of glaring defects, and need to be carefully revised and amended. I have reason to believe that much abuse and wrong have been practiced upon weak and innocent persons under the present statutes on this subject. To charge a person with insanity, and have an inquest thereander, is a proceeding to take away his freedom, and confine him in prison behind bolted doors in the hands of strangers, and away from the tenderest kindred ties of loved ones at home there to dred ties of loved ones at home there to languish and await the keeper's favor to grant release. Remembering the long years of unjust confinement in prison of Joseph, at the instance of a bad woman, and the bloody murder in prison of John the Baptist, and the great number of in stances where under this insanity charge and specessful manipulation of unworthy stances where under this insanity charge and successful manipulation of unworthy allies, men have put away their wives, children their parents, and other family ties have been severed, and good names blackened by this means of plunder and robbery of the most sacred of all the God-given rights, of man every precaution given rights of man, every precaution should be studied and provided, and a sen-tinel provided by law stationed at the doorshould be studied and provided, and a sentinel provided by law stationed at the doorway of every attempt through the means of a proceeding in the name of the law to establish insanity upon anyone; and that sentinel should be charged to guard well the trust confided to him. I have information, and believe it to be true, that here in Montana, malice, greed and other most unworthy and offensive agencies have played their wicked part in more than one nefarious scheme of that grade. The present law should be amended, so that no person shall be put upon trial under this charge until the county attorney or some other lawyer, skilled and able in the profession, is provided, and is present to assist the accused, and guard against abuses such as those to which I have referred. I further recommend that no less than twelve citizen housekeepers be the jury to hear the evidence and pass upon the question of the alleged insanity. This is the provision made by law for all who are arraigned up an a criminal charge, both as to counsel and the jury. And why not guard liberty and free locomotion as well to one accused of insanity as to the criminal? A conviction in either case is the loss of liberty and imprisonment. This security will more effectually guard the treasury against fraud and imposition. treasury against fraud and imposition.

ESTATES OF THE INSANE.

There are oftentimes persons convicted of insanity and sent to the asylum who have more or less estate, but no relations in this country. I have information that there are several of this class now in the asylum, with no probable prospect of ever recovering. Some, if not all of their es-tates are in the hands of volunteer, self-aptates are in the hands of volunteer, self-appointed keepers, and how managed, or what inventory or report of it is made, the courts and records fail to show. The law should be so framed as to make it the duty of every judicial officer before whom a conviction of insanity is had to ascertain immediately the estate, if any, owned by the patient, its kind, the locality, the amount, in whose possession, and owned by the patient, its kind, the locality, the amount, in whose possession, and whether there are relatives in the territory; and to make report thereof to the probate judge of the county. The law should charge him and the county attorney to institute proceedings and prosecute to the possession of the estate, and secure its preservation and increase for the owner, or those to whom it will go at his death. The territory is now paying eight dollars per territory is now paying eight dollars per week for the care and treatment of several subjects in the asylum, one of whom had an estate of ten to fifteen thousand dollars, and no relatives in the United States, so far as known, and others of them have esfar as known, and others of them have estates amounting to many thousands, but no
relatives. If any one of this class shall die
before recovery and discharge, the estate
of such will escheat to this territory, as in
case of anyone else dying here without
heirs. It is therefore not only just to the
deranged patient and to his heirs that his
property shall be in the possession and
keeping of the territory, and made to grow,
but it is also a matter of interest to the territory itself. All such property, of whatritory itself. All such property, of what ever kind, should be ascertained, and those now holding it required to secure it or sur-render it to a public officer.

KEEP POLITICS OUT OF STATE INSTITU

TIONS. The public spirited and large liberality for which Montana's people have already become distinguished and so noted is a pledge and guaranty that they will not lag behind the progressive, outreaching be-nevolence which shines so brightly in the states, but will erect and liberally support state prisons, insane asylums and all other elemosynary institutions that the wants of people may suggest. They should be con-structed and arranged with a view to alleviate suffering, correct and restore to the sunshine of life, and should in the nature of things be committed to the care, oversight and superintendence of agents and servants chosen and trusted by the government. It is the purpose and aim of the people in thus creating those institutions to have them so arranged and conducted as to secure the improvement of the unfortunate and reform the criminal, thereby conducing to the public good. It is expected that every citizen will have heart and pride in such citizen will have heart and pride in such institutions, and approve the amplest appliances for their certain success. To accomplish that end these institutions should never be allowed to have about them the slightest tinge of partisanship. No people ever did create, found and open the doors of such institutions with the view to uphold or support a political party. Yet it is an open fact that in the government of England, and in many of the states of America, such has been their use; and in some instances so shameful that public sentiment and the higher order of statesmanship have found a correction that has been most successfully applied. And I now commend and urge

upon you to adopt and establish here in Montana the same effectual barrier to such prostitution in their management. That provision or prevenative is to be found in passing a law directing and providing that in each and every such institution the superintendent, officers, agents and servants into whose care, conduct, oversight and management they are placed shall be selected in equal numbers, as nearly as may be, from each one of the principal leading political parties of the territory; and in filling every vacancy that shall occur the same rule shall be observed. For a great De, from each one of the principal leading political parties of the territory; and in filling every vacancy that shall occur the same rule shall be observed. For a great number of years this rule has been observed and most strictly enforced in all the state and congressional elections with reference to the officers set apart and placed in charge of the polls and ascertainment of the result for publication. No thoughtful, just-minded citizen would have this rule as to elections changed. The congress of the United States in completing and rounding up the inter-state commerce law, and providing commissioners to overlook and apply its provisions, inserted the same direction as to their selection and appointment; and to their selection and appointment; and there are other acts of congress, and many of those passed by state legislatures, in which this same care has been taken, and in every instance its practical working has been found acceptable.

AGRICULTURE. Montana's rich mines of gold, copper,

silver, lead and coal, supplying the world with thirty to fifty millions of wealth every year; the rich grasses that cover the moun year, the rich grasses that cover the mountains and valleys, upon which millions of stock feed and grow, yielding so much of riches, and the fast growing spirit of agricultural enterprise in this empire of territory, are the great foundation interests of the people you are called to represent. Neither one must be neglected, nor must the forces engaged in their toil. If there is one interest above all others, the chiefest and most lasting as a foundation support is one interest above all others, the chiefest and most lasting as a foundation support to the government, it is the agricultural. No human avocation is more honorable. It is a department of life service to the world, having many divisions and departments, each of which pours its stream of joy into the family, and feeds the hungry multitude. No government can long be a success that neglects the culture and encouragement of ancient husbandry—the least hazardous of any avocation. The beautiful valleys, hills and plains of this wonderful territory are fast filling up with educated people, full of energy and wisdom. Choiceiy arranged homes and farms are laid out, rich grain fields and growing dom. Choicely arranged homes and farms are laid out, rich grain fields and growing herds invite the stranger's favor; while the cheaply made fabulous yields are full of remuneration to the laboring thousands. There is not a state nor country in America, the soils and grasses of which yield a better or higher paying reward to the farmer than those of Montana. The soil culture combined with stock growing has found great rayor and proved to be successful. This great agricultural interest has not heretofore had its full and first place in the legislation of the territory. Montana's agricultural capacities, encouraged and cultivated, promise

ties, encouraged and cultivated, promise her the same high and leading distinction— and even greater—that is now accorded to her on account of her great output of the precious metals and inexhaustible empire of grass. of grass.

I recommend that you create a territorial board of agriculture for Montana, provide for its organization and service in this great interest, and supply it with a reasonably liberal support from the public treasury, to carry forward its efforts in advancing and developing the control of the control of the carry forward its efforts in advancing and developing the carry forward its efforts in advancing and developing this great source of wealth in these mountains. Its wealth to the country is not alone in dollars and cents, but its steady practice educates, re-fines and expands the moral and physical man, strengthens him for good citizenship and repels the approach of crime.

TIMBER, FISH AND GAME. Connected with the subject of tilling the soil, there is one other important interest, soil, there is one other important interest, fail of value to the people, namely, the timber, fish and game. This territory is rich beyond the computation of figures in these God-given blessings and supplies, and a wise statesmanship should guard with the greatest vigilance against their destruction. I have reason to believe the laws already on the statute book upon these subjects are violated in every county in the territory, and within the last two years great injury to the wealth of the country has been inflicted. I charge you to scrutinize well these laws, and to tighten the bands against this reckless waste and destruction.

BOUNTY FOR KILLING WOLVES, ETC

Moreover, I recommend that you pass a law offering a bounty, reasonable in amount, for the killing of those enemies to civilization—the wolf, the coyote and mountain lion. They are perhaps the meanest and most cowardly trio of animals that live, and live by stealing. The most careful and best possible safeguards should be in-corporated in the law against fraud in its administration. administration.

ELECTION LAWS. It is almost twenty-five years since the few white men and women then in Mon-tana, surrounded by many unfriendly in-dians, decided to plant permanently in these mountains the standard of American

eivilization. Pursuant to that decision, they appealed to the congress of the United States for its favor, and the organic act was passed, under which this territorial govern-ment was organized. That act of congress containing suggestively the frame work of the governmen, and granting authority to make it complete, has served, and as is yet the constitution of this territory, and by virtue of the authority therein granted the people have from time to time met in legislative assembly, and formulated their views and wishes into laws. One of the duties de-volving upon the law-making power of this new government, and of first importance, was to declare the terms on which the citi zen could acquire the right of suffrage, and how the will of the people through the pro-cess of elections should be ascertained, and to protect and secure every one entitled to the exercise of this high function, and to to protect and secure every one entitled to the exercise of this high function, and to guard well against any and every one who would dare interfere. The men whose farseeing wisdom inaugurated this government knew well, and fully appreciated the right of free suffrage, and understood its power. They provided a ballot for every citizen, entitled under the law to vote. The voting privilege is a sacred right to the voter and every lover of the government is interested in preserving to him that right, and warding off every attempt to weaken the force of its exercise. All over the states of America we hear much of fraud in elections, intimidation, bribery, etc.; and it is claimed that in many instances the people have been robbed of their choice in elections, and results most humiliating and unwelcome forced upon them. The law should be plain and explicit, showing who shall be allowed to vote, and the precinct or township where his vote must be cast. I respectfully suggest that in this regard the laws of the territory should be required, if he votes at all, to vote in the precinct or township of his residence, and not allowed to vote at another; that he be not allowed to vote at another; that he be not allowed to vote till he has been a resident citizen of the territory, or have declared his intention to become such, for at least six months, and of the township where he offers to vote for at least thirty days. The government is kept alive, and its activity in ministering to the wants and necessities of the people must be through agencies primarily elected and provided by the people. The voters of the government constitute but a small part of the population ple. The voters of the government con-stitute but a small part of the population for whom the government is created and upheld, and the greatest care should be ob-served to guard every one of them from intimidation or other victous influences, tendtimidation or other victous influences, tending in any degree to weaken the force of the trust confided to him. It is a great crime against free suffrage and against the people to corrupt the voter, or to offset his voice at the polls with ballots unauthorized by law. Every attempt to inject into the election count illegal votes, or to clothe a legal vote with the garment of

and effectually bar the door against those who would engage in the crime of its debanchery. This subject demands your most earnest attention.

In the state of New York and many other states, and in nearly all the large cities, they have registration 'two. Their practical operation upon those people has proved to be a success, and I commend most urgently to your careful study and proved to be a success, and I commend most urgently to your careful study and favor the preparation and enactment of a registration law for Montana. Your statesmanship will master the question and arrange the details of such a bill without further suggestion; and a measure of this kind conditioned to arrange to the rarther suggestion; and a measure of this kind conditioned to apply to the people of this territory will be found to be the strongest safeguard against the enemy to free and fair elections. It is said 'penal laws are ineffectual to prevent bribery, intimidation and fraud,' and that 'the primary remedy is the secret ballot.' I have had occasion to be stow some study upon the so-called Australian system of voting, which called Australian system of voting, which has recently been adopted in the state of Massachusetts, and went into effect in that has been tried, too, in the governments or England, Scotland, Ireland and Canada, and had the favor of these countries. There certainly are some wise features and effectual safeguards against initiation and hyphery in this system and timidation and bribery in this system, and some of which, if not all, might be made useful in this territory.

ATTORNEY GENERAL.

At the extra session of the last legislative assembly, held in September, 1887, a law was passed exempting the county attorneys from appearing as counsel for the tive assembly, held in September, 1887, a law was passed exempting the county attorneys from appearing as counsel for the territory in the supreme court, and repealing the law in that regard. The bill so passed, created the office of attorney general for the territory, and prescribed the duties assigned him. It also provided that the governor should nominate and appoint by and with the advice and consent of the council. The governor made a nomination for that office in pursuance to the provisions of the law, and the same was rejected by a majority of the council, and that body adjourned leaving the office that they had created vacant. The first term of the supreme court after the adjournment of said extra session of the legistature was in the early days of January, 1888. The public interest demanded that there should be an attorney general (since the county attoneys were exempted) to look after and attend to the business of the territory pending in that court, and likely to occur in the after terms of the court. Because of such necessity, Hon. William E Cuilen, a gentleman and lawyer of distinguished and known ability, residing in the city of Helena, was appointed on the 31st day of December, 1887, and commissioned by the governor to fill and discharge the duties of that office for the time, and until the last day of this regular session of the legislative assembly, for the territory of Montana. He accepted the appointment, and has most faithfully met and performed all the duties of the office. There is a statute in this territory enacted February, 1879, which forbids the payment of any public officer appointed by the governor till his appointment is approved thereafter by the legislative council, provided the vacancy in office, to fill which such appointment is made, existed at the adjournment of the legislative assembly preceding such appointment. Under the frowns and remonstrating voice of that law the attorney-general has nade a detailed report to the governor, showing his services rendered, and his careful ination of the statutes of this territory, and subjoining some wise suggestions, which I submit for your consideration.

CODIFICATION OF THE LAW.

I ask your earliest attention to the un-satisfactory condition of the statute law; to the fact that in many particulars it is not up to the standard of progress which char-seterizes the policy and inviscondence of acterizes the policy and jurisprudence of the most advanced and enlightened states; and to its manifold inconsistencies and un-certainties. The injunction to "know the law" should succeed intelligent enact-ments, and not be made before them; and

ments, and not be made before them; and the time is come for you to adopt a plan so to revise the law of its existing confusion, and to fix its rules, that the people who are expected to obey them may know them. It has been found possible by experience to codify the rules of the common law and to reduce then to the form of the statute.

David Dudley Field, whose able and persistent efforts were begun in 1839, is entitled to the credit for the first of such possibilities, and the legislatures of California and Dakota to the other; while New York has only been prevented from adopting the full results of her several code commissions because her legislature has been too much occupied with special legislation to give

because her legislature has been too much occupied with special legislation to give the necessary time for their consideration—a reason which does not exist in Montana and should not delay you. One of those results—the code of civil procedure—has been adopted by New York and by twenty-two other states and territories, including Montana; and there is every reason for the opinion that the penal, political and civil codes belonging to the system, of which the code of civil procedure is a part, will, if adopted into law here, prove equally salutary and beneficent. I, therefore, recommend that a law be framed by you for the appointment of a code commission, to be composed of gencode commission, to be composed of gen-tlemen learned in the law, with sufficient power and means to prepare and present for the consideration of the legislative as-sembly at a future session a code or codes of the law; that the rules therein contained he a reduction to the form of a statute of of the law; that the rules therem contained be a reduction to the form of a statute of the body of the law; that the powers of the commission be plet ary in the adoption of the results of other American codifiers, preserving, however, those statutes in existence in Montana which have been enacted with reference to local couditions; and that the rules contained in such code or codes, when authoritatively prescribed, be the law and the only law of this commonwealth, except so far as the same may be controlled by the constitution and laws of the United States, or by subsequent enactments of the local assembly. Sufficient time should be given to the commissioners to discharge their importcommissioners to discharge their import-ant duties with care and accuracy, and a sufficient means should be placed at their disposal to enable them to perform their task conveniently and with suitable facili-ties.

MILITIA.

I submit herewith the biennial report of the adjutant general to December I, 1888, showing the state and the strength of the National Guard of Montana. I cordially approve of the recommendations he makes to bring the regularly enlisted, organized and uniformed active militia of Montana, which constitutes the National Guard, to a degree of effectiveness for immediate service in the field, in the event such services should be at any time required. Since the date of the report the two houses of congress have made a special appropriation of about thirty-three thousand eight hundred doliars to arm and equip the National Guard of Montana, and the bill so passed will doubtless receive executive approval. The law authorizing and regulating the National Guard is extremely defective and should be so amended as to create a system of rules applicable to their object, and I hope that the enactment of proper and needed rules and regulations upon that subject will receive your careful atention. In imitation of the law of many states and territories, where no larger force